

Deposition Transcript

Case Number: 1:21-CV-00049-LAG

Date: October 27, 2023

In the matter of:

ORTIZ, et al. v STATE OF GEORGIA
DEPARTMENT OF CORRECTIONS, et al.

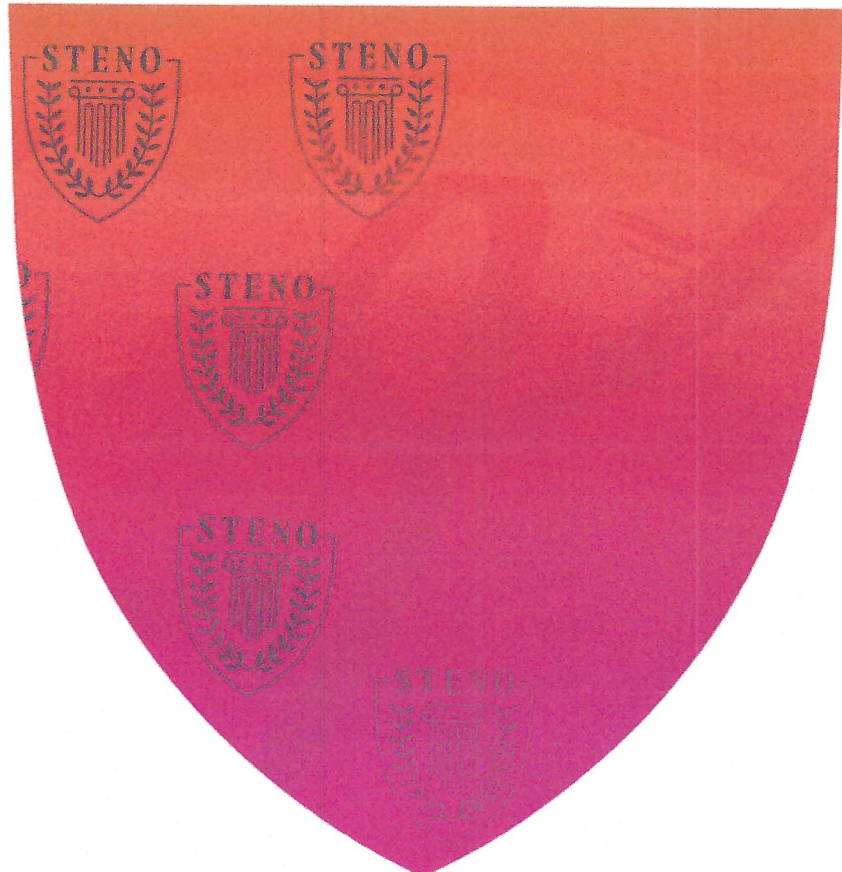


Robert Baker

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Reported by:

Sharon H. Ross
RPR, CRR -2886



Steno
Official Reporters

315 W 9th St.
Suite 807
Los Angeles, CA 90015
concierge@steno.com
(310) 573-8380
NV: FIRM #108F

ROBERT BAKER
OCTOBER 27, 2023

JOB NO. 738794

<p>Page 2</p> <p>1 APPEARANCES OF COUNSEL:</p> <p>2 ON BEHALF OF THE PLAINTIFF:</p> <p>3 ROBERT LEANZA DAVIS, JR, ESQUIRE</p> <p>4 Law Office of Robert Leanza Williams, Jr.</p> <p>5 165 DeKalb Industrial Way, Ste B-1</p> <p>6 Decatur, GA 30030</p> <p>7 (404) 377-7028</p> <p>8 robert@flgalaw.com</p> <p>9</p> <p>10 ON BEHALF OF THE DEFENDANTS:</p> <p>11 LAURA L. LONES, ESQUIRE</p> <p>12 Department of Law, State of Georgia</p> <p>13 40 Capitol Square, SW</p> <p>14 Atlanta, Georgia 30334</p> <p>15 (404) 458-3488</p> <p>16 llones@law.ga.gov</p> <p>17 - - -</p> <p>18 (Whereupon, disclosure as required by the</p> <p>19 Georgia Board of Court Reporting was made by the</p> <p>20 court reporter, a written copy of which is</p> <p>21 attached hereto.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1</p> <p>2 TABLE OF CONTENTS</p> <p>3</p> <p>4 PAGE</p> <p>5 Examination by Attorney Davis 4</p> <p>6 Examination by Attorney Lones 21</p> <p>7</p> <p>8 PLAINTIFFS'</p> <p>9 EXHIBIT: DESCRIPTION PAGE NO.</p> <p>10 Exhibit No. 1 Ortiz v GDC D 0820 7</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 4</p> <p>1 ROBERT BLAKE,</p> <p>2 having been first duly sworn, was examined and</p> <p>3 testified as follows:</p> <p>4 ATTORNEY DAVIS: We're here on Ortiz</p> <p>5 versus the Department of Corrections.</p> <p>6 Do you have the case number?</p> <p>7 RENA JEFFERSON: 21-CV-00049.</p> <p>8 ATTORNEY DAVIS: 21-CV-00049. And</p> <p>9 we're here for the deposition of Mr. Robert</p> <p>10 Baker. He has been sworn, and we're going to</p> <p>11 start it off.</p> <p>12 EXAMINATION</p> <p>13 BY ATTORNEY DAVIS:</p> <p>14 Q. Mr. Baker, we're here to get your sworn</p> <p>15 testimony as to the events, if you have recollection</p> <p>16 of them, surrounding Mr. Angel Manuel Ortiz's death</p> <p>17 and his time at being incarcerated at Calhoun State</p> <p>18 Prison. So first I'd like to ask you: Can you</p> <p>19 please state your name?</p> <p>20 A. Robert Baker.</p> <p>21 Q. Can you please state your date of birth?</p> <p>22 A. 10/9/59.</p> <p>23 Q. And can you please state your current</p> <p>24 address?</p> <p>25 A. 1430 Chapel Hill Lane, Marietta, Georgia,</p>	<p>Page 5</p> <p>1 30008.</p> <p>2 Q. And on May 30th, 2019, where were you</p> <p>3 living on that date?</p> <p>4 A. I was at Calhoun State Prison.</p> <p>5 Q. Yes, sir. And what building were you</p> <p>6 housed in?</p> <p>7 A. I was in J building at that time.</p> <p>8 Q. And why were you in J building?</p> <p>9 A. I had went out on medical procedure and</p> <p>10 lost my bed in L building.</p> <p>11 Q. Did you have a cellmate at the time?</p> <p>12 A. I did, but I don't remember his name.</p> <p>13 Q. Do you recall meeting Mr. Angel Manuel</p> <p>14 Ortiz?</p> <p>15 A. Yes. I knew Angel from L building before</p> <p>16 I had went out on a medical leave.</p> <p>17 Q. And are you familiar with Fred Hardy?</p> <p>18 A. I'd seen the little guy around.</p> <p>19 Q. And were you present when Hardy was</p> <p>20 brought -- well, was Hardy ever housed in J</p> <p>21 building?</p> <p>22 A. Yes. He came in -- the sergeant -- I'm</p> <p>23 not recalling his name either, but he came brought</p> <p>24 him in there under the influence.</p> <p>25 Q. And can you describe -- when you say</p>

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1 "under the influence," can you describe what he was
2 looking like or how his behavior was when he came in
3 there?
4 A. Like a wild man.
5 Q. So we can't -- can you describe, like,
6 the blow-by-blow? Can you describe his face, his
7 actions, his --
8 A. He was screaming and hollering. The
9 sergeant was dragging him in there, helped by
10 another officer. They drug him in and put him caddy
11 corner across the hall from -- in the building
12 across the little dormitory.
13 Q. And did you have the ability to see his
14 cell?
15 A. Did I happen to see his cell?
16 Q. Did you have the ability --
17 A. Yes, I can.
18 Q. And how -- you said you were caddy corner
19 to his cell?
20 A. Yes, across the walkway.
21 Q. And what type of housing is J building?
22 A. It's mainly a lockdown and return, and new
23 arrivals and return from medical facility, or
24 building.
25 Q. Yes, sir. And then in a lockdown

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1 that you see on the ID?
2 A. Heavy set, dark skin, muscular.
3 ATTORNEY DAVIS: And this is the
4 exhibit. I apologize. And it was handed over
5 to us in discovery.
6 ATTORNEY LONES: I understand. It's
7 complicated with these.
8 ATTORNEY DAVIS: Okay. Thank you.
9 Q (By Attorney Davis) Can you describe how
10 the officer put him in the cell?
11 A. He wrestled him. Locked his arms, both
12 arms around the individual's arms, drug him most of
13 the way and -- while the other officer unlocked the
14 door and slung him in there.
15 Q. And the other officer, how would you
16 describe that other officer?
17 A. Trying to stay out of the way.
18 Q. So how would you describe the other
19 officer that unlocked the cell?
20 A. She was a female. I think she was a
21 sergeant. She was a female trying to stay back from
22 the young man because he was kind of -- he was out
23 of it. He was wonderland.
24 Q. And when he got in the cell -- well, did
25 they eventually put him in a cell?

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1 facility, how do you see across?
2 A. Well, feeding chutes. The door has a
3 latch, a hand where you slide the trays in when
4 you -- that's how they feed us.
5 Q. And so did you have a clear view of the
6 officers that were bringing Hardy into the cell?
7 A. Yes.
8 Q. You say you don't know their names, but
9 would you recognize the officer if you saw a picture
10 of him or anything like that?
11 A. Yes, I would.
12 Q. I'm showing you --
13 ATTORNEY DAVIS: Court reporter, you
14 want to mark it? This is the only exhibit.
15 (Plaintiff's Exhibit 1 was marked for
16 identification.)
17 Q (By Attorney Davis) I'm showing you what's
18 been marked as Plaintiff's Exhibit 1. Can you
19 please tell me what this is?
20 A. That's the officer, the sergeant that
21 brought the young man in, or pushed him into the
22 cell.
23 Q. But what is it?
24 A. Georgia State ID.
25 Q. And how would you describe this person

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1 A. Yes. After struggling a few minutes, they
2 put him in there. He threw him in.
3 Q. And could you see Hardy once he was in the
4 cell?
5 A. Yes. He was running to the door kicking
6 the door, screaming and hollering. And we all said
7 it at the same time, there's no sleep tonight.
8 Q. And were you there when Mr. Ortiz -- well,
9 I'm going to ask you a different way. Was Mr. Ortiz
10 ever in J building?
11 A. Yes, yes.
12 Q. And were you there when he was brought in
13 the J building?
14 A. Yes.
15 Q. Which cell was he placed in in J building?
16 A. Caddy corner in the same dorm, the same
17 room that the little wild boy was in.
18 Q. Can you describe what happened when they
19 were putting Mr. Ortiz in the cell with Hardy?
20 A. He begged the sergeant, don't put me in
21 there with that boy. He's on them strips. Please
22 don't put me in there. He's going to hurt me.
23 And he kept begging and begging. And the
24 sergeant kept telling, oh, ain't nothing going to
25 happen, get on in there.

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1 Q. Did Hardy say or do anything when they
2 were trying to put Mr. Ortiz in the cell?
3 A. Yes. He was trying to fight not to go in
4 there, holding the doors, the side of the door,
5 screaming, please don't put me in there. And the
6 little boy was screaming, you put him in here I'm
7 going to kill him. He a monster, he a monster.
8 They knew he was on strips.
9 Q. And the little boy that you're describing,
10 would that be the gentleman that they put in that
11 same cell earlier that day?
12 A. Yes. The Hardy boy, the strip boy.
13 Q. And then who were the people that put
14 Mr. Ortiz in the cell with him?
15 A. The same sergeant.
16 Q. The same sergeant?
17 A. Yes.
18 Q. The male or the female?
19 A. The male. He forced him to get in there.
20 Q. When -- after they were in there for a
21 while, did you -- did you hear any instances between
22 them, Ortiz and Hardy?
23 A. It didn't stop. A lot of screaming and
24 hollering from the young guy. He was just screaming
25 and hollering and kicking the door. And about 10,

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1 And when it bounced, it's metal. It would go boom,
2 boom, boom, and you know somebody was outside your
3 door.
4 Q. Now I want to bring your attention to
5 June 16th, 2019. Did you observe anything between
6 Hardy and Mr. Ortiz on that day?
7 A. Yes. Same crazy stuff that the little boy
8 was going crazy again. And Angel was screaming, get
9 me out of here, get me out of here.
10 Q. And how were you able -- did you observe
11 that? Did you hear that?
12 A. Yes. And him -- the young man was running
13 into the door, kicking the door, screaming and
14 jumping up and down on the bunk. You know, when you
15 jump up and down on the bunk it go (sound.) The
16 whole building is doors, it's metal. So it's a
17 vibration that you can hear (sound.)
18 Q. And was your flap open on that day?
19 A. Yes. They had the flaps open. It was
20 extremely hot.
21 Q. And could you see out of that flap?
22 A. Yes. You could see, basically, everywhere
23 but right beside you.
24 Q. And did Hardy and Ortiz have a
25 confrontation on that day?

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1 15 minutes later we could hear, like, a scuffle.
2 And him running into the door. Angel was screaming
3 and hollering, get me out of here, get me out of
4 here. And the officers had left.
5 Q. So no officer came back to address the
6 situation?
7 A. No.
8 Q. Let me ask you a question: After that
9 time, did the officer come and make any rounds in
10 the days following that?
11 A. No.
12 Q. Did they come at any point?
13 A. Yes. They would come at snack time for
14 diabetic snack, feeding time, made sure the
15 orderlies cleaned up. That would be about the only
16 time you really seen them.
17 Q. So I want to ask you straight: Did they
18 come by every 30 minutes and check on you?
19 A. No.
20 Q. And how would you know if they came by and
21 checked on you?
22 A. You would see them. They'd hit your door
23 or bounce your flap. Your flap would stay open
24 because it was so hot in there. There was no air.
25 No way to get no fresh air, so they hit your flap.

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1 A. Yes.
2 Q. Can you please describe that
3 confrontation?
4 A. A lot of screaming from -- the young guy
5 was doing all the screaming. Angel was just saying,
6 get me out of here. Screaming, officer, officer.
7 Everybody saw it. And then, like, a fight
8 was going on.
9 Q. And then can you describe more of the
10 fight?
11 A. Well, we could hear -- well, we basically
12 could see somebody being slammed against the door.
13 The young man was dark skin. Angel is very light
14 skin, such as myself. We could see who was getting
15 slammed against the door.
16 Q. And who was that?
17 A. That would be Angel was being slammed
18 against the door. Slammed on the floor. Then
19 rammed back into the door several times.
20 Q. And then what happened after that?
21 A. Everybody started screaming. You know,
22 officer, officer. We knew they was outside or next
23 door or outside smoking, so everybody started
24 screaming.
25 Angel was screaming, he killing me, he

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1 killing me. Help me, help me. You know, so
2 everybody -- all the guys in there started screaming
3 and hollering, beating on their flap, making your
4 flap go (sound) so the officer will come.
5 Q. I imagine that's pretty loud with all that
6 screaming and flapping?
7 A. Yes. And the screaming and people jumping
8 up and down on their bunks. That's the only way to
9 get officers' attention if they outside.
10 Q. And did they respond right away?
11 A. Not right away. It was a pretty good
12 fight going on in the room.
13 Q. And I know -- did you have a watch on at
14 the time?
15 A. No, I didn't have no watch.
16 Q. I won't ask you to estimate time, because
17 you didn't have a watch on, about how long it
18 happened, but -- why not? How long do you think it
19 took for the guards to respond from -- to this
20 fight?
21 A. Well, the lady, sergeant lady, walked in
22 there about -- it had to have been, because I had
23 screamed so loud and so long I was getting hoarse.
24 It must have been 10 to 15 minutes before she came
25 in there running, screaming, what the F going on in

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1 Q. But not inside the individual cell?
2 A. No. Not in no cells. Not inside the --
3 the building itself where the doors is --
4 Q. Yes, sir.
5 A. -- that's the only camera, but it don't
6 show nothing but straight upward. It shows --
7 because there's upstairs and downstairs. It shows
8 straight upward. It don't show the down, lower
9 level at all.
10 Q. And, one moment. Are there any call
11 buttons, like alarm buttons in your cell? You,
12 like, mash it and get the officers' attention?
13 A. Yeah. The door flap.
14 Q. But nothing particularly like --
15 A. No button. Nothing electronic to notify
16 officer if something is wrong or panic or anything.
17 Just screaming and hollering and hitting that door
18 flap. The officers know what the door flap mean.
19 Q. One second.
20 Do you know who the orderly was at the
21 time in J building on June 6, 2019?
22 A. No. I didn't know him. They all come
23 from G building. All the orderlies in the building
24 come from G building. That's the gang building.
25 Q. Have you heard of strips?

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1 here?
2 And we all was hollering, pointing over
3 there to the door where the young man and Angel was.
4 That he killing him in there, he killing him.
5 Angel wasn't hollering no more. It was no
6 more hollering from Angel, just the boy. And you
7 could hear him, like, vibrating that bed, like up
8 and off the bed, jumping off the bed. Boom, boom,
9 continuously.
10 Q. And did the officer respond and
11 immediately open the door and stop the --
12 A. No. She peeped in the peephole, ran out
13 the building, got the other sergeant, the gentleman
14 sergeant. He ran in there and he -- when he
15 unlocked the door, opened the door he screamed, oh,
16 shit, and jumped and down. And then told her
17 something in her ear.
18 And she came in there with a bunch of
19 paper and some tape and started taping everybody's
20 food chute where you get your food trays so we
21 couldn't see.
22 Q. Yes, sir.
23 In that prison, are there any cameras in
24 the cell where they could see what's going on?
25 A. In the entryway.

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1 A. Yes.
2 Q. Can you please tell us what strips are?
3 A. It's a hallucinogenic. It's between LSD
4 and PCP. But they can do it wrong. They can mix it
5 wrong and it will be too potent and make a person --
6 I've seen guys run into the wall with their head
7 continuously until somebody grab him. And we tie
8 him up in sheets or wrap him up in a blanket to keep
9 him from hurting himself. That's in L building, in
10 the open dorm, we will be able to stop them.
11 Q. Now, do you know if the guards are aware
12 that there are strips in the prison?
13 A. Yes.
14 Q. How would you know that?
15 A. Being in prison.
16 Q. Is it safe to say that there are a lot of
17 inmates under the effect -- well, can you tell us:
18 Have you seen many inmates under the effect of
19 strips?
20 A. Yes.
21 Q. And if you were to say a number of people
22 you've seen under the effects of strips at Calhoun
23 Prison, how many would you say?
24 A. I couldn't count them.
25 Q. Ten?

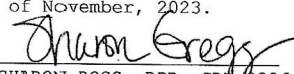
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<p style="text-align: right;">Page 18</p> <p>1 A. That's in what? One building?</p> <p>2 Q. Twenty?</p> <p>3 A. No. It's at least -- it's 60 to -- 50 to</p> <p>4 60 people per building per level. It's got to be at</p> <p>5 least 30 to 40 people that wicky, or they could</p> <p>6 credit for wicky, strips and wicky.</p> <p>7 Q. What's wicky?</p> <p>8 A. It's strip. It's just some of them is</p> <p>9 light and some of it is real strong.</p> <p>10 Q. And you described earlier that the</p> <p>11 inmates, or, people on strips would be running wild,</p> <p>12 jumping down from the bunks, hurting themselves;</p> <p>13 correct?</p> <p>14 A. Yes, yes.</p> <p>15 Q. And I want to be clear. You told me there</p> <p>16 were 30 to 40 people doing this, acting this way</p> <p>17 every day?</p> <p>18 A. Every day, 24 hours a day. Certain places</p> <p>19 you couldn't sleep because people would be on</p> <p>20 strips. But we kept them in the bathrooms. In L</p> <p>21 building, we would keep them in the bathrooms to</p> <p>22 keep them off people bunks, and from just walking</p> <p>23 up -- we've seen people get in the bed with other</p> <p>24 guys.</p> <p>25 It's a hallucinogenic. You don't know</p>	<p style="text-align: right;">Page 19</p> <p>1 where you're at and you can't control it.</p> <p>2 Q. Did you see officers do anything to</p> <p>3 control these strips? The access of the strips for</p> <p>4 the inmates?</p> <p>5 A. Yes. Bring more in.</p> <p>6 Q. With all this going on, did you feel safe</p> <p>7 in the custody of Georgia Department of Corrections?</p> <p>8 A. No, no.</p> <p>9 Q. Have you ever witnessed inmates getting</p> <p>10 assaulted at Calhoun?</p> <p>11 A. Yes.</p> <p>12 Q. How many times?</p> <p>13 A. I've seen officers let certain other</p> <p>14 inmates with more influence than others into the</p> <p>15 room with helpless inmates to dominate them.</p> <p>16 Q. And so -- I want to be clear. You're</p> <p>17 saying that the guard would open the cell and let</p> <p>18 another inmate in there who had bad intentions?</p> <p>19 A. Yes.</p> <p>20 Q. I'm trying to -- do you know why they</p> <p>21 would do that?</p> <p>22 A. Money.</p> <p>23 Q. And did you ever file a grievance</p> <p>24 regarding your safety in prison?</p> <p>25 A. From medical. And I was transferred to</p>
<p style="text-align: right;">Page 20</p> <p>1 Calhoun because I kept filing grievances against a</p> <p>2 nurse that stuck me in my arm, and I couldn't move</p> <p>3 my arm for, like, two months. And I put in I think</p> <p>4 three grievances. And a couple of nights later,</p> <p>5 they transferred me to Calhoun from Wheeler, the</p> <p>6 private prison.</p> <p>7 Q. Okay. I want to ask you an open-ended</p> <p>8 question. Is there anything else you'd like us to</p> <p>9 know about Mr. Ortiz's death or Frank Hardy?</p> <p>10 A. Angel's death could have been avoided. It</p> <p>11 could have been avoided.</p> <p>12 Q. How could it have been avoided?</p> <p>13 A. The officer knew that that boy do strips.</p> <p>14 Why would you put a bunny rabbit in the room with a</p> <p>15 wolf?</p> <p>16 Q. And I guess, are you describing -- who</p> <p>17 would be the wolf?</p> <p>18 A. Hardy is the wolf.</p> <p>19 Q. And who would be the bunny rabbit?</p> <p>20 A. Angel.</p> <p>21 Q. Did Angel have any medical conditions?</p> <p>22 A. Yes, yes. He had several medical</p> <p>23 conditions.</p> <p>24 Q. Could you please describe them?</p> <p>25 A. He was walking on a cane. He had a bad</p>	<p style="text-align: right;">Page 21</p> <p>1 leg. I know his leg swolled up all the time.</p> <p>2 He had several things wrong with him. He</p> <p>3 went to medical -- every other day he was in</p> <p>4 medical.</p> <p>5 ATTORNEY DAVIS: I don't think I have</p> <p>6 any more questions. One moment.</p> <p>7 I don't have any more questions at</p> <p>8 this time.</p> <p>9 ATTORNEY LONES: Sir, I just have,</p> <p>10 maybe, a couple of questions. I appreciate</p> <p>11 your time here with us today. This is Laura</p> <p>12 Lones. I represent the defendants in this</p> <p>13 lawsuit.</p> <p>14 EXAMINATION</p> <p>15 BY ATTORNEY LONES:</p> <p>16 Q. Sir, did you speak with an investigator a</p> <p>17 few hours after the confrontation between Mr. Hardy</p> <p>18 and Mr. Ortiz?</p> <p>19 A. No, ma'am. They moved me out into -- they</p> <p>20 transferred several people out of L building and</p> <p>21 moved a bunch of the older guys over there the same</p> <p>22 day. The same morning. The next morning.</p> <p>23 ATTORNEY LONES: All right. I think</p> <p>24 that's all I have. Again, we certainly</p> <p>25 appreciate your time today and sharing your</p>

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<p style="text-align: right;">Page 22</p> <p>1 information with us. I know this has got to be 2 difficult to talk about. Thank you, sir. 3 THE WITNESS: Thank you. 4 ATTORNEY DAVIS: That concludes what 5 we're doing here. Thank you. 6 THE REPORTER: Do you want to ask 7 about reading or signing? 8 ATTORNEY DAVIS: You can explain. 9 THE REPORTER: (Complying.) 10 THE WITNESS: I'll waive that right. 11 ATTORNEY DAVIS: I'd like mine 12 electronically. 13 ATTORNEY LONES: I would like a copy 14 with transcript and the exhibit. A PDF is 15 fine. 16 (Deposition concluded at 3:33 p.m.) 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 23</p> <p>1 The following reporter and firm disclosures 2 were presented at this proceeding for review by 3 counsel: 4 5 REPORTER DISCLOSURES 6 The following representations and 7 disclosures are made in compliance with Georgia 8 Law, more specifically: 9 Article 10(B) of the Rules and Regulations 10 of the Board of Court Reporting (disclosure forms) 11 OCGA 9-11-28(c) (disqualification of 12 reporter for financial interest) 13 OCGA 15-14-37(a) and (b) (prohibitions 14 against contracts except on a case-by-case 15 basis). 16 - I am a certified reporter in the State 17 of Georgia. 18 - I have been assigned to make a complete 19 and accurate record of these proceedings. 20 - I have no relationship of interest in 21 the matter on which I am about to report which 22 would disqualify me from making a verbatim 23 record or maintaining my obligation of 24 impartiality in compliance with the Code of 25 Professional Ethics. - I have no direct contract with any party in this action and my compensation is determined solely by the terms of my employment agreement.</p>
<p style="text-align: right;">Page 24</p> <p>1 C E R T I F I C A T E 2 3 STATE OF GEORGIA: 4 COUNTY OF FULTON: 5 6 I hereby certify that the foregoing 7 transcript was taken down, as stated in the caption, 8 and the colloquies, questions, and answers were 9 reduced to writing under my direction; that the 10 transcript is a true and correct record of the 11 evidence given upon said proceeding. 12 I further certify that I am not a 13 relative or employee or attorney of any party, nor 14 am I financially interested in the outcome of this 15 action. 16 I have no relationship of interest in 17 this matter which would disqualify me from 18 maintaining my obligation of impartiality in 19 compliance with the Code of Professional Ethics. 20 I have no direct contract with any party 21 in this action and my compensation is based 22 solely on the terms of my employment agreement. 23 Nothing in the arrangements made for 24 this proceeding impacts my absolute commitment to 25 serve all parties as an impartial officer of the court. This, the 8th day of November, 2023.  SHARON ROSS, RPR, CR# 2886</p>	

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Exhibits	acting 18:16	bounced 12:1	Complying 22:9
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Georgia
DRIVER'S LICENSE

NUMBER [REDACTED] EXPIRES 11-08-2008

BELL DERRICAL CORNELIUS

[REDACTED] GA [REDACTED]


SEX M BIRTHDATE [REDACTED] EXAM DATE 12-01-2004 COUNTY 019

HEIGHT 6-01 WEIGHT 195 CSC 0 40 FEE 008.00 RESTRICTIONS B

CLASS C ENDORSEMENTS TYPE REG

ORGAN DONOR *Derrick Bell*

Donny Davis COVERING



COMMISSIONER *Don Davis*

